

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RAMIAH WHITESIDE,

Plaintiff,

v.

Case No. 10-C-725

WILLIAM POLLARD, et al.,

Defendants.

ORDER

Following entry of judgment against him, Plaintiff Ramiah Whiteside filed a timely motion seeking reconsideration. For the reasons already provided, I conclude that because no harm actually materialized, the Defendants cannot be liable for an Eighth Amendment claim asserting a failure to protect an inmate from that harm.

However, Plaintiff also asserts that this Court and the Defendants overlooked his claim inasmuch as it was styled as a conditions of confinement claim. That is, wholly apart from the failure to protect issue, he asserts that requiring an inmate to live in a small cell with an HIV-positive inmate who leaves significant quantities of blood around the sink and toilet is cruel and unusual punishment because it violates basic standards of decency. Plaintiff asserts that his requests for cleaning materials and the like were not adequately answered, and that he frequently had to live in a cell where infectious blood was spattered.

The Defendants are directed to file a response to this argument on or before April 6, 2012. Plaintiff may file a reply by April 27, 2012.

SO ORDERED this 13th day of March, 2012.

s/ William C. Griesbach
William C. Griesbach
United States District Judge